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MEMO ENDORSED.

September 8, 2023

BY ECF

Hon. Ona T. Wang
500 Pearl Street
New York, New York 10007

**Re: *SS&C Technologies Holdings, Inc. and Advent Software Inc. v. Arcesium LLC*,
No. 1:22-cv-02009-TMR-OTW – Letter Motion to Seal**

Dear Judge Wang:

Plaintiffs/Counterclaim-Defendants SS&C Technologies Holdings, Inc. and Advent Software, Inc. (collectively, “SS&C”) and Defendant/Counterclaim-Plaintiff Arcesium LLC (collectively, the “Parties”), jointly and respectfully submit this request to file under seal an exhibit to the agenda for the September 12 conference, redact the agenda, and file an an unredacted version of the agenda under seal.

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Courts must also balance against the weight of the presumption of any countervailing factors such as “the privacy interests of those resisting disclosure,” *id.* at 120, including “the degree to which the subject matter is traditionally considered private rather than public” and the “nature and degree of injury” resulting from disclosure. *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995).

The exhibit to the agenda contains references to documents that Arcesium has designated “highly confidential—outside counsel and experts’ eyes only,” and the agenda quotes testimony SS&C has designated “highly confidential—outside counsel and experts’ eyes only.” This type of information is regularly deemed protected because disclosure “might harm a litigant’s competitive standing.” *In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)); *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). This Court has granted similar sealing requests. *E.g.*, ECF No. 189.

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Accordingly, the Parties respectfully submit this request to seal an exhibit to the agenda for the September 12 conference, redact the agenda, and file an an unredacted version of the agenda under seal.

Respectfully submitted,

/s/ Stephen Fishbein

Stephen Fishbein

cc: Counsel of record for Arcesium (via ECF)

Application **GRANTED.**

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', is written above a horizontal line.

Ona T. Wang
U.S.M.J.

10/18/23